

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOSEPH IRWIN,)
)
)
Plaintiff)
)
)
-vs-) CASE NO. 09-cv-5839
)
)
AFSCME COUNCIL 31) Honorable
) CHARLES R. NORGLER, JR.
Defendant) Judge Presiding

MOTION FOR SANCTIONS

Defendant AFSCME, COUNCIL 31, by its attorneys CORNFIELD AND FELDMAN, pursuant to Rule 37(d)(1)(A)(I), F.R.C.P., respectfully moves for appropriate sanctions against Plaintiff Joseph Irwin for failure to appear for his deposition on January 28, 2010. In support of this motion, Defendant files herewith the transcript of that proceeding.

Respectfully submitted,

CORNFIELD AND FELDMAN

BY/S/ Gilbert Feldman

GILBERT FELDMAN

Attorney Bar Number 787833

Attorneys for Defendant

CORNFIELD AND FELDMAN

25 East Washington Street

Suite 1400

Chicago, Illinois 60602

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February 25, 2011

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

FEB 16 2011

CORNFIELD &
FELDMAN

JOSEPH IRWIN,)
)
 Plaintiff,)
)
 v.) No. 09 CV 5839
)
AFSCME COUNCIL 31,)
)
 Defendant.)

The scheduled deposition of JOSEPH IRWIN, called for examination by the Defendant, pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before NORMAN G. KERR III, a Notary Public within and for the County of Cook and State of Illinois, and a Certified Shorthand Reporter thereof, at 25 East Washington Street, Suite 1400, Chicago, Illinois, on Friday, January 28, 2011, commencing at the hour of 11:00 a.m.

SCHEDULED DEP. OF JOSEPH IRWIN - 1/28/11

APPEARANCES:

CORNFIELD AND FELDMAN, by:
MR. GILBERT FELDMAN
25 East Washington Street
Suite 1400
CHICAGO, ILLINOIS 60602
312.236.7800 FAX 312.236.6686

appeared on behalf of the Defendant.

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SCHEDULED DEP. OF JOSEPH IRWIN - 1/28/11

P R O C E E D I N G S

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2 MR. FELDMAN: Let the record show that
3 this is the scheduled discovery deposition of the
4 plaintiff in this cause, Joseph Irwin.

5 The notice of deposition is attached
6 to and made a part of this record. The certificate
7 of service on Mr. Irwin was made on December 15,
8 2010.

9 In addition this office placed a
10 telephone call to Mr. Irwin on January 26, 2011,
11 reminding him of the deposition. He was not home
12 and a message was left.

13 At no time since the notice was
14 submitted to him and the telephone call was made to
15 him has Mr. Irwin responded in any way. And he has
16 not appeared for this deposition.

17 The deposition was scheduled for
18 10:00 a.m., today, January 28, 2011. It is now
19 11:00 a.m.

20 The notice of deposition was sent to
21 him at his address of record, which is 525 North
22 Clifton Avenue, Elgin, Illinois, 60128. And the
23 telephone call was made to him at his telephone

SCHEDULED DEP. OF JOSEPH IRWIN - 1/28/11

1 call of record (847) 741-2924.

2 We have in good faith made every
3 effort to assure that Mr. Irwin would appear for
4 this deposition and he has failed to do so.

5 End of record.

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11 (Which were all the proceedings
12 had at the above-entitled cause.)

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SCHEDULED DEP. OF JOSEPH IRWIN - 1/28/11

1 STATE OF ILLINOIS)
2) SS.
2 COUNTY OF C O O K)

3

4 I, NORMAN G. KERR III, a Certified
5 Shorthand Reporter and Notary Public in and for the
6 County of Cook and State of Illinois, do hereby
7 certify that heretofore, to-wit, on the 28th day of
8 January, A.D. 2011, in the City of Chicago, County
9 of Cook, I reported stenographically the
10 proceedings had at the scheduled deposition of
11 JOSEPH IRWIN, and the foregoing is a true and
12 correct transcript of said proceedings.

13 I further certify that my certificate
14 annexed hereto applies only to the transcript
15 signed and notarized by me and produced by me
16 personally or under my direction and control. The
17 undersigned assumes no responsibility for the
18 accuracy of any reproduced copies not made under my
19 control or direction.

20 I further certify that I am not
21 counsel for nor in any way related to any of the
22 parties to this suit, or am I in any way interested
23 in the outcome thereof.

SCHEDULED DEP. OF JOSEPH IRWIN - 1/28/11

1 In testimony whereof, I have hereunto
2 set my hand and affixed my notarial seal this 11th
3 day of February, A.D. 2011.



111. C.S.R. Lic. No. 84-1011

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOSEPH IRWIN,)	
)	
Plaintiff)	
)	
-vs-)	CASE NO. 09-cv-5839
)	
AFSCME COUNCIL 31)	Honorable
)	CHARLES R. NORGLE, JR.
Defendant)	Judge Presiding

NOTICE OF DEPOSITION

TO: JOSEPH IRWIN
525 North Clifton Avenue
Elgin, Illinois 60128

PLEASE TAKE NOTICE that on January 28, 2011 at 10:00 a.m. counsel for Defendant shall conduct your discovery deposition, according to the Federal Rules of Civil Procedure and the applicable Local Rules for the Northern District of Illinois. The deposition shall be conducted at the law offices of CORNFIELD AND FELDMAN, 25 East Washington Street - Suite 1400, Chicago, Illinois 60602. Said deposition will be taken upon oral

examination before an officer authorised by law to administer oaths. The deposition shall be recorded by stenographic means.

You are to produce at the deposition all documents which support the allegations of Paragraphs 6-20 of the Complaint and which establish the time, person and place involved in each of said allegation.

Respectfully submitted,

CORNFIELD AND FELDMAN

BY Gilbert Feldman
GILBERT FELDMAN, one of the attorneys
for the Defendant

December 15, 2010

GILBERT FELDMAN, Esq.
CORNFIELD AND FELDMAN
25 East Washington Street
Suite 1400
Chicago, Illinois 60602
312-236-7800
312-236-6686 Facsimile

CERTIFICATE OF SERVICE

GILBERT FELDMAN, an attorney, hereby certifies that on December 15, 2010, he served the foregoing Notice of Deposition by mailing a true and correct copy thereof to the following named party of record on the 15th day of December, 2010, postage prepaid below:

JOSEPH IRWIN
525 North Clifton Avenue
Elgin, Illinois 60123



Gilbert Feldman
GILBERT FELDMAN

CERTIFICATE OF SERVICE

GILBERT FELDMAN, an attorney, hereby certifies that on February 25, 2010, he caused the foregoing Defendant's Notice of Motion together with Motion for Sanctions to be filed electronically with the Clerk of the Court, using the CM/ECF system, and further certifies that on February 25, 2011, he caused the same documents to be served upon the Plaintiff, acting pro se, by U.S. Mail, first-class, postage prepaid.

/s/ Gilbert Feldman

GILBERT FELDMAN
Attorney Bar Number 787833
Attorneys for Defendant Union
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Suite 1400
Chicago, Illinois 60602
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